

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

DAVID HUTCHERSON,

Claimant,

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Respondent.

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CASE NO. 5:07-CV-107 (CAR)
Social Security Appeal

RECOMMENDATION OF DISMISSAL

On March 23, 2007, the Claimant filed a social security appeal in this court after the Social Security Commissioner, by adoption of the Administrative Law Judge's determination, denied Claimant's application for social security disability benefits, finding that he was not disabled within the meaning of the Social Security Act and Regulations.

Local Rule 9.2 of the Local Rules for the United States District Court for the Middle District of Georgia states that:

[A]fter service of an answer by the Secretary, claimant will have thirty (30) days within which to file his brief. The Secretary must then submit a brief within thirty (30) days after receipt of claimant's brief. Within five (5) days after receiving the Secretary's brief, claimant may submit a reply brief if so desired.

In the case at bar, the Commissioner filed his Answer on May 8, 2007. Claimant's brief, therefore, was due no later than June 7, 2007. To date, no brief has been filed by the Claimant.

THEREFORE, it is hereby RECOMMENDED that the above-styled case be DISMISSED for the Claimant's failure to prosecute his appeal and his failure to comply with Local Rule 9.2. Pursuant to 28 U.S.C. § 636(b)(1), the parties may serve and file written objections to the Recommendation with the United States District Judge within ten (10) days after being served a copy.

SO ORDERED, this the 5th day of February, 2008.

S/ G. MALLON FAIRCLOTH
UNITED STATES MAGISTRATE JUDGE

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